

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

**APPLETON PAPERS, INC., et al.**  
Plaintiffs,

v.

**GEORGE WHITING  
PAPER COMPANY, et al.,**  
Defendants

**TELEPHONE CONFERENCE**  
**RE: [1246] MOTION FOR SUMMARY JUDGMENT**  
Case No. 08-C-16

HONORABLE WILLIAM C. GRIESBACH, presiding  
Deputy Clerk: Mary  
Proceeding Held: December 12, 2011

Tape: 121211  
Hearing Began: 11:36 a.m.  
Hearing Ended: 11:47 a.m.

**Appearances:**

**Plaintiffs:** Darin McAtee, - for NCR Corp.  
Ronald Ragatz and Michael Hermes - for Appleton Papers, Inc.

**Defendants:** Kyle Lytz, Mary Rose Alexander and John Burgess - for Georgia Pacific  
David Mandelbaum - for PH Glatfelter Co.  
Kevin Lyons and William Mulligan - for Neenah-Menasha Sewerage  
Dan Murray - for NewPage Wisconsin Systems  
Richard Yde - for City of Appleton and City of DePere  
Susan Lovern - for CBC Coating, Inc.  
Tom Gottshall and Steve Bogart - for US Paper Mills  
David Rabbino - for Menasha Corp.  
Nancy Peterson- for WTM 1 Co.  
Ian Pitz - for Brown County

Atty. Lytz addresses [1246] motion for summary judgment. Defendant states that motion is most efficient way to proceed in this case. Defendant believes that issues can be resolved by this motion instead of going to trial.

Atty. McAtee responds and requests motion be stricken on grounds 1) improper procedure 2) Defendant waited too long to raise issue 3) not efficient way to proceed.

The Court rules summary judgment is not appropriate at this time and strikes [1246] motion. The Court will keep the motion brief and regard it as a trial brief. At this stage of the case, it is more efficient to proceed with trial. The Court will divide time so that Plaintiffs will have one week and Defendants will have one week.

Court adjourns.